IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

MONDAY, THE 30TH JULY 2007 / 8TH SRAVANA 1929

WP(C).No. 15824 of 2004(H)

PETITIONERS:
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1. **THE DIRECTOR, GEOLOGICAL SURVEY OF INDIA, EAST THAMPANOOR, TRIVANDRUM-695014.**

2. **THE DEPUTY DIRECTOR GENERAL, GEOLOGICAL SURVEY OF INDIA, SOUTHERN REGION, HYDERABAD.**

BY ADV. SRI.M.RAJENDRA KUMAR, ADDL.CGSC,
SRI.JOHN VARGHESE, ASSISTANT SG,
SRI.P.PARAMESWARAN NAIR,ASST.SOLICITOR.

RESPONDENTS:
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1. **N. RAGHAVAN PILLAI, SAROJA NIVAS, ANAYARA, THIRUVANANTHAPURAM.**

2. **ASSISTANT LABOUR COMMISSIONER (CENTRAL) (CONTROLLING AUTHORITY UNDER THE PAYMENT OF GRATUITY ACT), THIRUVANANTHAPURAM.**

BY ADV. SRI.G.SUDHEER,
GOVT. PLEADER SRI. MANOJ.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 30/07/2007, ALONG WITH W.P.(C). NOS. 15825/2004 & 15827/2004 THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C). NO.15824/2004:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE G.A. FILED BY THE APPLICANT IN O.A. 13/2003.

EXT.P.2: COPY OF THE WRITTEN OBJECTION FILED BY THE OPPOSITE PARTY IN THE G.A.

EXT.P.3: COPY OF THE DECISION BY THE ASSISTANT LABOUR COMMISSIONER.

EXT.P.4: COPY OF THE NOTICE ISSUED BY ASSISTANT LABOUR COMMISSIONER.

RESPONDENT'S EXHIBITS: NIL.

//TRUE COPY//

prv.

KURIAN JOSEPH, J.

W.P. (C). NOs. 15824, 15825 & 15827 OF 2004

Dated this the 30th day of July, 2007.

J U D G M E N T

The challenge in these writ petitions is on the order passed by the Controlling Authority under the Payment of Gratuity Act, 1972.

2. Since the petitioners have an effective remedy before the Appellate Authority under the Act, this Court need not go into the disputed questions of fact at this stage. Therefore, these writ petitions are dismissed without prejudice to the liberty to the petitioners to move the Appellate Authority. It is also made clear that in the event of the petitioners moving the Appellate Authority, the time taken for prosecuting these writ petitions shall be excluded in computing the period of limitation.

KURIAN JOSEPH, JUDGE.

smp